

AMENDED IN SENATE MAY 11, 2009  
AMENDED IN ASSEMBLY MARCH 12, 2009  
AMENDED IN ASSEMBLY FEBRUARY 26, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 73**

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**Introduced by Assembly Member Hayashi**  
(Coauthors: Senators Hancock and Wiggins)

December 15, 2008

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An act to ~~amend~~ *amend, repeal, and add* Section 26840.10 of the Government Code, to amend ~~Section 103627~~ *Sections 103627 and 103627.5* of the Health and Safety Code, and to amend Section 18309 of the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 73, as amended, Hayashi. Marriage licenses: vital records: fees: domestic violence.

Existing law requires the collection of fees for issuing marriage licenses and for providing certified copies of vital records, including marriage certificates, birth certificates, fetal death records, and death records. Existing law provides for the establishment of county domestic violence program special funds for the purpose of funding local domestic violence programs. Certain fees payable at the time a marriage license or a certified copy of any of the above vital records is issued may be collected by the county clerks for deposit into these funds.

Existing law authorizes the Alameda County Board of Supervisors, until January 1, 2010, upon making certain findings and declarations, to authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a maximum increase of \$2. Existing law

authorizes the Alameda County Board of Supervisors, and the City Council of the City of Berkeley, upon making certain findings and declarations, to authorize an increase in the fees for certified copies of certain vital records, up to a maximum increase of \$2. Existing law authorizes those governmental entities to make further increases in those fees each year, as specified. Existing law requires these fees to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution.

This bill would extend the operation of those provisions indefinitely.

Existing law requires the Alameda County Board of Supervisors *and the City Council of the City of Berkeley* to submit to the Assembly and Senate Committees on Judiciary, by July 1, 2009, reports regarding the above fee increases, as specified.

This bill would, instead, require the Alameda County Board of Supervisors *and the City Council of the City of Berkeley, if they elect to increase fees pursuant to the above-described provisions*, to submit preliminary reports by July 1, 2009, and final reports by July 1, 2014. *The bill would repeal these provisions on January 1, 2015.*

The bill would also make technical, nonsubstantive related changes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) According to the 2005 California Women's Health Survey,
- 4 in California, 9.2 percent of women live in homes where domestic
- 5 abuse occurs. According to the Department of Justice, in 2006,
- 6 Alameda County law enforcement responded to 7,331 calls relating
- 7 to domestic violence. Domestic violence is ubiquitous and cuts
- 8 across all economic and education levels and all age groups,
- 9 ethnicities, and other social and community characteristics.
- 10 (b) According to 2006 statistics from the federal Bureau of
- 11 Justice Statistics, in nearly half of violent crimes where the victim
- 12 and the aggressor are related, the aggressor is either the spouse or
- 13 ex-spouse of the victim. Marriage license fees collected pursuant
- 14 to this act would help communities intervene and prevent domestic
- 15 violence when the aggressor is the spouse or ex-spouse of the
- 16 victim.

1 (c) According to the National Woman Abuse Prevention Project  
2 in Washington, D.C., domestic violence puts children at risk.  
3 Children born into families where domestic violence occurs are  
4 physically abused or seriously neglected at a rate that is  
5 significantly higher than the national average in the general  
6 population. Birth certificate fees collected pursuant to this act  
7 would help communities with the cost of ensuring that children  
8 who are born into families with domestic violence receive the help  
9 they need.

10 (d) Studies show more than 10 percent of women are victims  
11 of domestic violence during pregnancy. According to a January  
12 2009 study published in The Lancet (a British medical journal),  
13 pregnant women who are assaulted by their spouses are 50 percent  
14 more likely to experience fetal loss, often repeatedly, than women  
15 who are not abused during pregnancy. Women who are battered  
16 during pregnancy are also more likely to die or have children who  
17 are born prematurely with low birth weights and intense medical  
18 needs. Fetal death certificate fees would help communities with  
19 what it costs to ensure that pregnant women with violent spouses  
20 receive help, protection, and care for their unborn children and  
21 infants.

22 (e) Domestic violence is a learned behavior and generational.  
23 Studies show that boys who witness family violence are 100 times  
24 more likely to batter their female partners and girls who witness  
25 their mother's abuse are more likely to be battered as adults.

26 (f) Domestic violence costs are high because, not only is there  
27 a toll on families emotionally and financially, but there are also  
28 direct and hidden costs to society. The most direct costs are the  
29 high costs of law enforcement, civil and criminal justice, and health  
30 services and other community-based services. Less direct and  
31 visible costs include job turnover, loss of productivity, school  
32 absenteeism, and low performance in school.

33 (g) Domestic violence requires multifaceted intervention that  
34 encourages civil, criminal, health, and social service sectors to  
35 work together to align the objectives, protocols, policies, and  
36 activities of each sector. Alameda County has determined that  
37 achieving the alignment, which requires governmental oversight  
38 and coordination of multiple agencies involved in domestic  
39 violence matters, is an essential link in the comprehensive effort  
40 to eliminate domestic violence.

(h) Since 2005, the Alameda County Family Justice Center (ACFJC), which is funded in part by vital records fees, has achieved the alignment described in subdivision (g) with more than 65 domestic violence providers, many of which provide services at one common location. The services provided by the ACFJC include legal assistance, counseling and medical services, and crisis intervention. The ACFJC has been an essential link for more than 20,000 domestic violence victims and has quickly connected the victims to services when they need it most. Alameda County victims are now increasingly seeking help from law enforcement and shelters before domestic violence escalates to death. Between 2002 and 2007, Alameda County has seen a ~~70 percent~~ *70-percent* decrease in domestic violence homicides.

(i) Since the ACFJC's opening, victims are feeling more emboldened to work with prosecutors. The Alameda County District Attorney's office reports 20 percent more victims are willing or able to pursue charges against aggressors and 24 percent fewer domestic violence cases are dismissed, which gives victims a renewed faith and confidence that the justice system works. The number of domestic violence cases being charged as felonies in Alameda County has nearly doubled from 13 percent to 23 percent, illustrating an increase in the quality and depth of law enforcement investigations enabled by the coordination.

SEC. 2. Section 26840.10 of the Government Code is amended to read:

26840.10. (a) The Alameda County Board of Supervisors, upon making findings and declarations on the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, may authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a maximum increase of two dollars (\$2).

(b) Effective July 1 of each year, the Alameda County Board of Supervisors may authorize an increase in these fees by an amount equal to the increase in the Consumer Price Index for the San Francisco metropolitan area for the preceding calendar year, rounded to the nearest half-dollar (\$0.50). The fees shall be allocated pursuant to Section 18309 of the Welfare and Institutions Code.

(c) In addition to the fee prescribed by Section 26840.1, in Alameda County, the person issuing authorization for the

performance of a marriage or confidential marriage, or the county clerk upon providing a blank authorization form pursuant to Part 4 (commencing with Section 500) of Division 3 of the Family Code, shall collect the fees specified in subdivisions (a) and (b), at the time of providing the authorization.

(d) ~~The~~ *If it elects to increase fees pursuant to this section, the Alameda County Board of Supervisors shall submit to the Assembly and Senate Committees on Judiciary a preliminary report no later than July 1, 2009, and a final report no later than July 1, 2014. Both reports shall contain the following information:*

(1) The annual amounts of funds received and expended from fee increases for the purpose of governmental oversight and coordination of domestic violence prevention, intervention, and prosecution efforts in the county.

(2) Outcomes achieved as a result of the activities associated with the implementation of this section.

(e) *This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.*

SEC. 3. *Section 26840.10 is added to the Government Code, to read:*

26840.10. (a) *The Alameda County Board of Supervisors, upon making findings and declarations for the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, may authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a maximum increase of two dollars (\$2).*

(b) *Effective July 1 of each year, the Alameda County Board of Supervisors may authorize an increase in these fees by an amount equal to the increase in the Consumer Price Index for the San Francisco metropolitan area for the preceding calendar year, rounded to the nearest half-dollar (\$0.50). The fees shall be allocated pursuant to Section 18309 of the Welfare and Institutions Code.*

(c) *In addition to the fee prescribed by Section 26840.1, in Alameda County, the person issuing authorization for the performance of a marriage or confidential marriage, or the county clerk upon providing a blank authorization form pursuant to Part 4 (commencing with Section 500) of Division 3 of the Family Code,*

1 shall collect the fees specified in subdivisions (a) and (b), at the  
2 time of providing the authorization.

3 (d) This section shall become operative on January 1, 2015.

4 ~~SEC. 3.~~

5 SEC. 4. Section 103627 of the Health and Safety Code is  
6 amended to read:

7 103627. (a) (1) The Alameda County Board of Supervisors,  
8 upon making findings and declarations supporting the need for  
9 governmental oversight and coordination of the multiple agencies  
10 dealing with domestic violence, may authorize an increase in the  
11 fees for certified copies of marriage certificates, birth certificates,  
12 fetal death records, and death records, up to a maximum increase  
13 of two dollars (\$2).

14 (2) The City Council of the City of Berkeley, upon making  
15 findings and declarations supporting the need for governmental  
16 oversight and coordination of the multiple agencies dealing with  
17 domestic violence, may authorize an increase in the fees for  
18 certified copies of birth certificates, fetal death records, and death  
19 records, up to a maximum increase of two dollars (\$2).

20 (b) Effective July 1 of each year, the Alameda County Board  
21 of Supervisors and the City Council of the City of Berkeley may  
22 authorize an increase in these fees by an amount equal to the  
23 increase in the Consumer Price Index for the San Francisco  
24 metropolitan area for the preceding calendar year, rounded to the  
25 nearest half-dollar (\$0.50). The fees shall be disposed of pursuant  
26 to the provisions of Section 18309 of the Welfare and Institutions  
27 Code.

28 (c) In addition to the fees prescribed by subdivisions (a) and  
29 (b), any applicant for a certified copy of a birth certificate, a fetal  
30 death record, or death record in Alameda County or in the City of  
31 Berkeley shall pay an additional fee to the local registrar, county  
32 recorder, or county clerk, as applicable, as established by the  
33 Alameda County Board of Supervisors or the City Council of the  
34 City of Berkeley.

35 SEC. 5. Section 103627.5 of the Health and Safety Code is  
36 amended to read:

37 103627.5. (a) If it elects to increase fees pursuant to Section  
38 103627, the City Council of the City of Berkeley shall submit a  
39 report to the Assembly Committee and Senate Committees on  
40 Judiciary and the Senate Committee on Judiciary, by a preliminary

1 *report* no later than July 1, 2009, ~~that contains~~ *and a final report*  
2 *no later than July 1, 2014. Both reports shall contain* the following  
3 information:

4 ~~(a)~~

5 (1) The annual amount of funds received and expended from  
6 fee increases for the purpose of governmental oversight and  
7 coordination of domestic violence prevention, intervention, and  
8 prosecution efforts in the city.

9 ~~(b)~~

10 (2) Outcomes achieved as a result of the activities associated  
11 with the implementation of Section 103627.

12 ~~(c)~~

13 (b) This section shall remain in effect only until January, 1,  
14 2010 2015, and as of that date is repealed, unless a later enacted  
15 statute, that is enacted before January 1, 2010 2015, deleted or  
16 extends that date.

17 ~~SEC. 4.~~

18 SEC. 6. Section 18309 of the Welfare and Institutions Code is  
19 amended to read:

20 18309. (a) The Alameda County Board of Supervisors shall  
21 direct the local registrar, county recorder, and county clerk to  
22 deposit fees collected pursuant to Section 26840.10 of the  
23 Government Code and Section 103627 of the Health and Safety  
24 Code into a special fund. The county may retain up to 4 percent  
25 of the fund for administrative costs associated with the collection  
26 and segregation of the additional fees and the deposit of these fees  
27 into the special fund. Proceeds from the fund shall be used for  
28 governmental oversight and coordination of domestic violence  
29 and family violence prevention, intervention, and prosecution  
30 efforts among the court system, the district attorney's office, the  
31 public defender's office, law enforcement, the probation  
32 department, mental health, substance abuse, child welfare services,  
33 adult protective services, and community-based organizations and  
34 other agencies working in Alameda County in order to increase  
35 the effectiveness of prevention, early intervention, and prosecution  
36 of domestic and family violence.

37 (b) The City Council of the City of Berkeley shall direct the  
38 local registrar to deposit fees collected pursuant to Section 103627  
39 of the Health and Safety Code into a special fund. The city may  
40 retain up to 4 percent of the fund for administrative costs associated

1 with the collection and segregation of the additional fees and the  
2 deposit of these fees into the special fund. Proceeds from the fund  
3 shall be used for governmental oversight and coordination of  
4 domestic violence and family violence prevention and intervention  
5 efforts, including law enforcement, mental health, public health,  
6 substance abuse, victim advocacy, community education, and  
7 housing, in order to increase the effectiveness of prevention, early  
8 intervention, and prosecution of domestic and family violence.

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